

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0406V

UNPUBLISHED

ERIC FELLAND,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 8, 2021

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Shoulder Injury Related to Vaccine
Administration (SIRVA)

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for
Petitioner.*

Laurie Wiesner, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 8, 2020, Eric Felland filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that he suffered a left shoulder injury related to vaccine administration (SIRVA) after receiving an influenza (“flu”) vaccination on October 31, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 6, 2021, Respondent filed his Rule 4(c) report in which he concedes that Petitioner suffered a SIRVA of the left shoulder as defined by the Vaccine Injury Table and is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 5.

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Specifically, Respondent agrees that the evidence demonstrates that Petitioner had no history of pain, inflammation, or dysfunction of his left shoulder that would explain his signs, symptoms, or findings after vaccination; that the onset of pain occurred within 48 hours after receipt of an intramuscular vaccination; that the pain was limited to the shoulder where the vaccine was administered; and that no other condition or abnormality has been identified to explain Petitioner's left shoulder symptoms. *Id.* Respondent further agrees that Petitioner suffered the residual effects of his SIRVA for more than six months. *Id.* at 6.

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master